HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.13087 of 2003

Dated 11th day of July, 2007

Between:

Khawaja Gharib Nawaz Heavy Motor Driving
School, rep. by its Licence, Sirajuddin, Malapalli
Nizamabad
and two others ..
Petitioners

And

The State Transport Authority,
A.P., Hyderabad
and another ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the Memo dated 19.6.2003 issued by the 2nd respondent, as arbitrary and illegal.

The petitioners assert that they are Heavy Motor Driving Schools and the 2nd respondent-Deputy Transport Commissioner and Secretary granted licences to them under Rules 24 and 25 of the Central Motor Vehicles Rules, 1989. Now, their main grievance is that the 2nd respondent, without following due process of law, issued a Memo dated 19.6.2003 cancelling their licences.

The 2nd respondent has filed a counter affidavit stating that the impugned Memo is only a show cause notice but not a final order cancelling the petitioners' licences. According to Rule 28 of the Central Motor Vehicles Rules, 1989, it is mandatory that before any auction is initiated the authority shall cause notice to the licencees to offer their explanation. Further, as the 2nd respondent himself has come forward stating that the impugned Memo is not an order cancelling the petitioners' licences, but only a show cause notice, the petitioners are directed to treat the Memo as a Show Cause Notice and offer their explanation to it within a period of two weeks from the date of receipt of a copy of this order and thereafter, the authority, after considering their explanation, may pass appropriate orders in accordance with law.

With the above direction, the writ petition is disposed of. No

costs.

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11.07.2007

bcj